

amendment: "and no distribution shall be made under the provisions of this act until the former distribution shall be equalled by setting apart to counties which have not so received their quota of cloth the amount due them." This amendment being under discussion, Mr. Lea having the floor gave way to a motion to adjourn until tomorrow morning 9 o'clock which was put and carried.

Tuesday, November 8, 1864

9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Shepard, Chairman of Committee on State Affairs, on behalf of the Committee recommended the passage of the following bills:

A bill to repeal an act to authorize the Governor to appoint certain officers to represent the interests of the soldiers and citizens of the State at the headquarters of the Trans-Mississippi Department.

A bill for relief of the heirs of John B. H. Jones.

Joint resolutions concerning the distribution of medicines and a bill supplementary and amendatory of an act to incorporate the Guadalupe Manufacturing Company.

Mr. Harcourt, Chairman of Judiciary, reported a bill to protect persons in the right to consult counsel in certain cases, and recommended its passage.

Also the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has considered a House bill to be entitled an act to prohibit the sale of ardent or spiritous liquors within ten miles of the courthouse in the town of Huntsville, Walker County, except for medicinal purposes, and the Committee are fully sensible of the enormity of the evils arising from the use of intoxicating liquors, but it is believed by a majority of the Committee to be contrary to the spirit of the age, and the policy of the government to undertake to control the appetites of our fellow men in prohibiting legislation.

If there be a majority of the citizens within the limits of the ten miles specified in the bill who are in favor of the passage of such a law, they must possess enough moral influence to discountenance and suppress the evil complained of, and this moral influence is believed to be a surer

and fuller remedy than would be found in any legislative prohibition. I am directed by a majority of the Committee to return the bill to the Senate and recommend that it be laid on the table.

John T. Harcourt, Chairman

Mr. Durant, Chairman of the Committee on Confederate Relations, on behalf of the majority reported recommending the passage of joint resolutions authorizing the purchase and supplies from quartermasters and commissaries in certain cases.

Mr. Lea, Chairman of Finance Committee, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a bill from the House styled a bill to be entitled an act to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers, has carefully considered the subject and a majority of the Committee now reports adversely to the bill, preferring the adoption and maintenance of other measures which may sustain a different policy for providing aid for indigent dependents of Texan officers and soldiers.

This result has been attained without entire concurrence, even among the majority, as to a few details of the approved general policy. Hence some argumentative views of particulars may be properly regarded as emanating from a minority, including the Chairman, while a majority concur in the principal characteristics and recommendations of the report.

In the first place, it is proper to observe what is the purport of the measure referred to the Committee.

The House bill proposed in substance that the indigent dependents of Texan soldiers shall be mainly supported by distributing to the several counties at the Penitentiary the cloth and thread there manufactured, except some small portions necessary for supplying subsistence and materials for this institution and other direct wants of the State. Most of the cloth is entirely made of cotton, and the other small portion is mixed of cotton and wool. There is but little thread, consisting only of small fractions, left as unused excesses of what is prepared for weaving. Without the reservations for the Penitentiary and other direct wants

of the State, it is estimated that the Penitentiary might supply one million yards of cloth of such distribution, if not prevented by some disaster, and so the bill proposed this amount of such appropriation.

The bill further proposed in substance that the several counties shall provide for their respective portions of such dependents whatever additional support they may need, and to this end the county courts are to have the power of levying county taxes not higher in rate than the State taxes, with the privilege of collecting in specie in any county where the court shall so order, and with the additional privilege of commuting for other articles, as now allowed by law.

The Committee is persuaded that such a measure must rest on a supposed necessity arising from an assumption of inability to devise any plan that would be eligible for supporting such dependents by ordinary pecuniary resources.

The Committee is well apprised of discouraging circumstances which cause many persons to concede that no adequate alternative policy can be adopted, so as to supercede that of the House bill, but such a concession appears to be so hasty and inconsiderate as to require more deliberate consideration.

With all due respect for the present impressions of persons who sustain the policy of this bill, the Committee feels constrained to present other plans, and to solicit for them a careful and unbiased comparison.

Is the assumption correct that the financial condition of the State actually requires that the products of the Penitentiary must be specifically divided among the county courts to be administered by them for supporting the dependents of our soldiers?

The Committee emphatically answer in the negative.

Although the supporters of the bill hold the affirmative of a necessity for it, yet the Committee is quite willing to stake the result on conclusively proving the negative.

Among the numerous considerations which impress conviction on the Committee, it must select and present only a part of them, and this must be done with brevity. Circumstances forbid any attempt to make a full discussion of the subject, which would otherwise justify extended elaboration to correct errors and exhibit truths, to aid in redeeming and establishing the financial credit of the State.

Although past operations have brought all State paper to extremely discreditable depreciation, yet the unnecessary causes of such discredit are so manifest and the public resources are so great and available in comparison with the liabilities, that former failure affords no evidence against future success, except as an indication of unwillingness to employ the means at command to restore, increase, and establish State credit.

The Committee cannot doubt that the Legislature has the immediate and absolute control of means which could rapidly recuperate the public credit, so that State paper would soon be very near to par with specie.

To attain this result there would not be any necessity to increase the ad valorem tax on property. The present rate of this tax and the mode of payment in Confederate paper should be continued until the other resources had become successfully operative.

And like remarks are applicable to the poll tax.

The present tax in kind should likewise be continued on specie, Treasury Notes of the Confederate States, Treasury Warrants of this State, and bank notes, also the present specie tax on foreign bills of exchange and other evidence of foreign funds.

Obligations for personal appearances in court to answer for crimes might be payable only in specie as the best arrangement for assuring attendance.

But with the foregoing exceptions a general rule could be promptly established to bring dues to the State to the following terms for payment:

Let specie as the primary alternative be the standard for finding the rates of payment. Then let Confederate Treasury Notes as a second alternative, in commutation for the specie, be receivable at their current value, which might be determined by the rate at which the Confederate government should be receiving its own notes for specie dues, while such rate should approach the real value in general market. And, as a third alternative in like commutation, let all State liabilities be receivable at par, whether they be on Bonds or on the Comptroller's Warrants, authorizing the Treasurer to make payments (erroneously called "Treasury Warrants"). But this third alternative, if necessary, at any time could include all or any part of the State Bonds, and further on an extreme emergency,

this alternative might include only certain portions of the Warrants. Yet the inclusion of any liability to the extent of it necessarily would compromise the highest claim to State credit which would prompt the reception of any liability, whether due or not due, whenever the demand could be made to control the supply, without oppression of any essential interest, so as to keep all State paper at some figures approaching equality with specie.

The primary alternative would not require the actual payment of any specie, and it would be used as a mere regulation of the practical payments to be entirely made by the other alternatives.

The second alternative of receiving Confederate Notes cannot be at fault for depreciating this currency while making a demand for it and while taking it at the governmental rate when approaching real value or at the market value if the government should arbitrarily and materially depart therefrom. The taking of the paper as the circulation, which abounds in comparison with specie and State paper, would make payment practicable in every part of the country, and would obliterate the difficulty of payment where both specie and State paper should be scarce, particularly when this paper should be nearly absorbed.

The third alternative of receiving State paper must enhance its value in proportion to the demand for it, and the difficulty of procuring it until it should be regarded as an equivalent of the other alternatives or the lower one in case of difference.

The foregoing statements present some of the most plain and familiar principles of credit and of exchange as axioms to be applied to State liabilities and legislative resources.

The outstanding State liabilities consist of the following particulars, stated without precision, but nearly approaching accuracy.

First, warrants about	\$1,300,000
Second, eight per cent bonds about	916,000
Third, seven per cent bonds about	200,000

The current annual issues will consist of the following particulars, according to present laws, this statement being

also without precision, but nearly approaching accuracy.

First, warrants on accounts of dependents of officers and soldiers \$1,000,000

Second, warrants on civil list, about 300,000

It is now considered probable that some plan will be adopted by which the State will be relieved from the future expense of the frontier defense, except some small amount.

In view of the State liabilities it is now proper to consider the legislative resources for ultimately meeting all demands and for currently sustaining the credit of the State and its paper.

It is not deemed proper to predicate any present calculation nor policy on the claim of this State against the United States, although this debt may hereafter be of considerable value.

And, considering the liberality which may be continued towards the Confederate government, its liabilities to this State without abandonment are not here reckoned as parts of the Legislative resources now to be relied on, except the Confederate notes of the new issue, to be received under an authorized exchange for notes of the old issue.

The following summary will show some of the resources which the Legislature may use with perfect confidence in their reliability.

There is no reason to doubt that not long hence about \$1,000,000 of Confederate Notes of the new issue will be received from the Confederate government in exchange for notes of the old issue.

It is confidently estimated that the ordinary taxes payable in the new issue will annually yield at present rates about \$2,000,000.

These two sources will furnish notes of the new issue far beyond any absolute demands for such funds. And the large surplus can be applied for what it is worth in market to aid in some necessary exporting of cotton to purchase specie and other articles which must be obtained from abroad.

We now come to subjects which allow the application of the proposed plan of receiving payments in the triple alternative above stated. And these subjects must be presented in the briefest manner that may show the applicability of such general rule for payments.

The railroad companies are indebted to the State a trustee for the School fund about \$1,800,000 of specie liability, yet policy dictates that the alternate modes of payment should be allowed.

All taxes on licenses for occupations should be conformed to the alternative plan, and they might be regulated so as to make a large aggregate demand without burdening desirable occupations, especially by those taxing distillers.

This alternative policy should be applied to taxes on all sales of distilled spirits, fermented liquors, and wines whether domestic or imported: [except domestic wines] and whether the sales be by wholesale or by retail, and whatever should be the modes of assessment.

The same policy should be applied to mercantile transactions in general, whether the taxes be imposed on the articles as purchased or as sold.

And it is worthy of special notice that the taxes on merchandise including the sales of drinkables might be extended so as to make any desirable demand, especially on consumers at least, on ultimate and principal payers of taxes.

All office fees accruing to the State should be subjected to the same alternative terms of payment.

All fines should be brought within the same general rule.

Payments under existing laws for university and other lands should be made in the same way.

And so payments should be made for public lands by again opening the Land Office, if the other demands should leave any doubt of adequacy to sustain the credit of the State and its paper.

It was unnecessary to attempt detailed calculations of the extent of demands that might arise from the sources already stated, especially as their extent in the discretion of the Legislature need not be limited except by the occasion. It were enough to know, as any fair estimate must show, that a portion of these demands could thus control the value of all outstanding liabilities of the State, and of all the issues of its paper that are now authorized by law, and that these demands without pressing them to any inconvenient extent, could soon absorb the State's indebtedness, so that only a small amount of its paper would be

extant beyond the sum that owners would be disposed to hold on account of the established value of State paper and credit.

But the same policy should be adopted as to some county taxes, especially in parts of the State where the circumstances require the levying of such taxes in specie.

And the same alternative mode of payment should be applied to sales of the cloth and thread of the Penitentiary. But the Penitentiary resources are not to be considered a primary reliance because their continuance depends on various contingencies. During the existence of such means, they should be used as aids to a permanent system whose principal object should be to sustain the general credit of the State by maintaining that of its paper.

Such a policy would harmonize all interests. The Penitentiary goods might advantageously go to the Confederate government while the proceeds would come to the State Treasury and the State paper would be the best possible reliance for maintaining its civil administration of government, and for sustaining the dependents of our officers and soldiers.

The whole project of the House bill is in direct conflict with all these interests. The continuance of the Penitentiary is its uncertain basis. And details are manifestly unequal, unjust, and inadequate with reference to its avowed object.

But want of time and opportunity prevents this report from being further extended.

The Committee presents a substitute for the House bill to amend a former law providing aid for the same persons, and a collateral bill is also presented to regulate the disposal of Penitentiary goods.

Very respectfully submitted,
Pryor Lea, Chairman

The Committee on Enrolled Bills reported as follows:
Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills have examined and find correctly enrolled the following bills, viz.,

An act to incorporate the Bastrop Cotton and Wool Manufacturing Company.

An act supplementary to an act entitled an act to

amend the 3rd section of an act to incorporate the Dallas Bridge Company, approved December 11, 1861.

Joints resolutions on the death of General John Gregg.

An act making an appropriation to defray the contingent expenses of the office of Attorney General.

All of which being signed by the President of the Senate and Speaker of the House of Representatives were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

Mr. Parsons introduced a bill to repeal Article 256 of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee. Also a bill punishing with death the crime of horse stealing. Read 1st and 2nd times and referred to Judiciary Committee.

The question pending at the adjournment on yesterday was considered and the Senate adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present. The question before the Senate was informally passed over when Mr. Ford introduced a joint resolution concerning the books of the Military Board. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Harcourt, Chairman of Judiciary Committee, reported recommending the passage of a bill to define the time of holding the district courts in the 16th Judicial District.

The question before the Senate at its adjournment this noon was taken up when Mr. Dickson moved to lay Mr. Harcourt's amendment on the table. The yeas and nays stood thus:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Hartley, Haskell, Holland, Jordan, Jowers, Kinsey, Moore of Davis, Parsons, and White—13.

Nays—Messrs. Durant, Ford, Guinn, Harcourt, Hord, Knox, Lea, Shepard, Throckmorton, and Wootten—10.

The question then recurred on the adoption of Mr. Maxey's proposed amendment:

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Durant, Harcourt, Hartley, Haskell, Holland, Hord, Jordan,

Jowers, Kinsey, Knox, Lea, Moore of Davis, Parsons, Shepard, Throckmorton, Wootten, and White—21.

Nays—Mr. Ford—1.

The question being on the passage of the bill to 3rd reading, the Senate adjourned until 9 o'clock A.M. tomorrow.

Wednesday, November 9, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Guinn, Chairman of Committee on Claims and Accounts recommended the passage of a bill for relief of Luke A. Falvell.

Mr. Guinn introduced a bill making an appropriation for repairing the Executive Mansion. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Burney introduced a bill to dispose of sundry property belonging to the State. Read 1st and 2nd times and referred to Finance Committee.

A message from the House informed the Senate of the passage of the following:

A bill to provide for the destruction of Treasury Warrants and coupons of the State Bonds paid into the Treasury. Read 1st and 2nd times and referred to Committee on Finance.

Joint resolution concerning peace, reconstruction, and independence.

A bill to repeal certain laws therein named. Read 1st and 2nd times and referred to Committee on Finance.

A bill amendatory of an act to regulate the estraying of stock in certain counties therein named. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill more effectually to provide for the support and maintenance of families and dependents of Texas soldiers, being on its passage to 3rd reading. Mr. Ford offered the following amendment:

Strike out sections 1, 2, 3 and 4 and insert.

Section 1. That 600,000 yards of the cloth and all the excess of thread manufactured by the State Penitentiary be and the same is hereby appropriated annually for the support and maintenance of the indigent families and dependents of Texas soldiers, to be used as follows: said cloth